Sierra Club's Suit: For More Than Nature's Sake

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SAN FRANCISCO, June 8—Superficially, the Sierra Club's newly filed lawsuit to block a $35-million resort dedvelopment in the Sequoia National Forest is just the latest of many campaigns to preserve choice segments of the dwindling wilderness.

But the reasons the fight is being pressed go far deeper. Chiefly at issue is a great, untidy patchwork of Federal statutes, regulations and procedures that, if not challenged, could govern innumerable future grants of commercial concessions in the national parks, forests and the public domain.

News Analysis

The contested resort project grew out of a routine proposal of the United States Forest Service in 1965 for a modest skiing and year-round recreational development in the 15,000-acre Mineral King Valley area of the Sierra Nevada in central California.

However, under the imaginative hand of the Walt Disney organization, the chosen development applicant, the Forest Service's original concept of a $3-million undertaking ballooned into a project from five to 30 times as big, with at least a possibility of severe overcrowding.

Moreover, the Sierra Club complains, the enlarged plan emerged after several years from the administration labyrinths of the Forest Service without any public hearings.

Jurisdictions in Dispute

The project involves a tangle of jurisdictions. The site is national forest land, under the Department of Agriculture. But the land is also a national game refuge, administered by the Department of the Interior. But there is no evidence that the latter department has invoked its authority in this case.

The 2-mile-long Mineral King Valley is a tongue of land protruding into Sequoia National Park and logically should have been included in the park. It was excluded because it contains some old mines, whose operation once would have been incompatible with national park criteria. The mines are now defunct, but the anachronistic jurisdiction remains.

The Sierra Club, founded by John Muir, wants Mineral King to be annexed to the national park, and opened to the public under park standards.

An access highway to the Disney resort would have to cross nine miles of Sequoia National Park. This is an incursion which the last Secretary of the Interior, Stewart L. Udall, firmly resisted for over a year, because it appeared to be a clear violation of statutory national park criteria.

Pressure was on Secretary Udall to create a national redwoods park in Northern California. For land-exchange purposes, to shift some private lumbering operations, he needed a certain Forest Service tract of redwoods, which Secretary of Agriculture Orville L. Freeman was opposed to relinquishing.

Resistance Disappears

Mr. Udall got his exchange tract. And suddenly his resistance evaporated on the Forest Service's getting its highway through the national park. Interior Department approval of the final highway design is the only remaining formality before construction on the resort project can begin.

A 1956 law limits to 80 acres the amount of land the Secretary of Agriculture can put under 30-year lease for a private resort. The Disney project would directly involve 300 acres and indirectly involve 1,300 acres. The excess is being covered under nominal "annual" renewals, which the Sierra Club suit contends is a subterfuge.

A focal issue is the impact that the resort would have on the entire ecology of the area. A number of adverse memorandums on this issue circulated within the Agriculture and Interior Departments as the Disney plan was being formulated. But they were never made public.

Sierra Club officials say that it was only by threatening to sue under the Federal Public Information Act that they were able to get this material for inclusion in the legal action.

Many conservationists regard all these thorny points as a matter that should be thrashed out in the open, lest the same abstruse processes come into play again.

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Saving natureland

There may be real pleasure in visiting a man-developed coastline or forest margin. But the experience differs from the stillness of a remote alpine meadow or the exhilaration of a natural seashore.

This is not to say the nation's needs for mass outdoor recreation should be ignored. Nonetheless, when weighing the use of America's remaining primitive assets, the unique claims of the wilderness need vigorous support.

In the Mineral King Valley debate, the Sierra Club raises the issue of the wilderness's priority over commercial-recreational development. To make its point, the club has filed suit against the secretaries of the Interior and Agriculture and other government officials. The government has contracted with Walt Disney Productions to make the valley — which lies 8,000 feet up in the California Sierras, south of Yosemite — into a $35 million, 300-acre recreational development. The Sierra Club charges that the development would violate the 80-acre limit set by federal law on such national forest land projects, and that the land was set aside in 1926 by Congress as a game refuge and not as a recreational site.

Conservationists fear that the heavy inflow of people (2.5 million a year) threatens the valley's usefulness as a water source, its delicate alpine ecology, and the majestic trees of a portion of the Sequoia National Park through which a new highway would cut.

Even if, for the sake of argument, one were to grant that the Disney interests could so "develop" the valley as to avoid the ecological dangers, one would still be faced with whether the daily ant-swarms of people emanating from the proposed 3,600-car underground garage cannot help but disastrously change the remote and peaceful character of the valley. And where the developer goes, can the honky-tonk be far behind?

There are other, already partly developed recreation sites in California. The bold Disney concept could be applied to these. In fact, there are many sections of natureland that have been gouged and scraped by mining and lumbering which are ironically analogous to urban blight areas. Why could not these be reclaimed by developers, instead of sacrificing land that in no real way can be improved?

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